

bulletin





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DEPOSITED BY THE
UNITED STATES OF AMERICA
MAR 31 '49

NORTH ATLANTIC TREATY¹

Proposed for Signature During
First Week in April, 1949

PREAMBLE

THE Parties to this Treaty reaffirm their faith in the purposes and principles of the Charter of the United Nations and their desire to live in peace with all peoples and all governments.

They are determined to safeguard the freedom, common heritage and civilization of their peoples, founded on the principles of democracy, individual liberty and the rule of law.

They seek to promote stability and well-being in the North Atlantic area.

They are resolved to unite their efforts for collective defense and for the preservation of peace and security.

They therefore agree to this North Atlantic Treaty:

Article 1

The Parties undertake, as set forth in the Charter of the United Nations, to settle any international disputes in which they may be involved by peaceful means in such a manner that international peace and security, and justice, are not endangered, and to refrain in their international relations from the threat or use of force in any manner inconsistent with the purposes of the United Nations.

Article 2

The Parties will contribute toward the further development of peaceful and friendly international relations by strengthening their free institutions, by bringing about a better understanding of the principles upon which these institutions are founded, and by promoting conditions of stability and well-being. They will seek to eliminate conflict in their international economic policies and will encourage economic collaboration between any or all of them.

¹ Department of State publication 3464.

Article 3

In order more effectively to achieve the objectives of this Treaty, the Parties, separately and jointly, by means of continuous and effective self-help and mutual aid, will maintain and develop their individual and collective capacity to resist armed attack.

Article 4

The Parties will consult together whenever, in the opinion of any of them, the territorial integrity, political independence or security of any of the Parties is threatened.

Article 5

The Parties agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all; and consequently they agree that, if such an armed attack occurs, each of them, in exercise of the right of individual or collective self-defense recognized by Article 51 of the Charter of the United Nations, will assist the Party or Parties so attacked by taking forthwith, individually and in concert with the other Parties, such action as it deems necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area.

Any such armed attack and all measures taken as a result thereof shall immediately be reported to the Security Council. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security.

Article 6

For the purpose of Article 5 an armed attack on one or more of the Parties is deemed to include an armed attack on the territory of any of the Parties in Europe or North America, on the Algerian departments of France, on the occupation forces of any Party in Europe, on the islands under the jurisdiction of any Party in the North Atlantic area north of the Tropic of Cancer or on the vessels or aircraft in this area of any of the Parties.

Article 7

This Treaty does not affect, and shall not be interpreted as affecting, in any way the rights and obligations under the Charter of the Parties which are members of the United Nations, or the primary responsibility of the Security Council for the maintenance of international peace and security.

Article 8

Each Party declares that none of the international engagements now in force between it and any other of the Parties or any third state is in conflict with the provi-

sions of this Treaty, and undertakes not to enter into any international engagement in conflict with this Treaty.

Article 9

The Parties hereby establish a council, on which each of them shall be represented, to consider matters concerning the implementation of this Treaty. The council shall be so organized as to be able to meet promptly at any time. The council shall set up such subsidiary bodies as may be necessary; in particular it shall establish immediately a defense committee which shall recommend measures for the implementation of Articles 3 and 5.

Article 10

The Parties may, by unanimous agreement, invite any other European state in a position to further the principles of this Treaty and to contribute to the security of the North Atlantic area to accede to this Treaty. Any state so invited may become a party to the Treaty by depositing its instrument of accession with the Government of the United States of America. The Government of the United States of America will inform each of the Parties of the deposit of each such instrument of accession.

Article 11

This Treaty shall be ratified and its provisions carried out by the Parties in accordance with their respective constitutional processes. The instruments of ratification shall be deposited as soon as possible with the Government of the United States of America, which will notify all the other signatories of each deposit. The Treaty shall enter into force between the states which have ratified it as soon as the ratifications of the majority of the signatories, including the ratifications of Belgium, Canada, France, Luxembourg, the Netherlands, the United Kingdom and the United States, have been deposited and shall come into effect with respect to other states on the date of the deposit of their ratifications.

Article 12

After the Treaty has been in force for ten years, or at any time thereafter, the Parties shall, if any of them so requests, consult together for the purpose of reviewing the Treaty, having regard for the factors then affecting peace and security in the North Atlantic area, including the development of universal as well as regional arrangements under the Charter of the United Nations for the maintenance of international peace and security.

Article 13

After the Treaty has been in force for twenty years, any Party may cease to be a party one year after its notice of denunciation has been given to the Government of the United States of America, which will inform the Governments of the other Parties of the deposit of each notice of denunciation.

Article 14

This Treaty, of which the English and French texts are equally authentic, shall be deposited in the archives of the Government of the United States of America. Duly certified copies thereof will be transmitted by that Government to the Governments of the other signatories.

In witness whereof, the undersigned plenipotentiaries have signed this Treaty.

Done at Washington, the **15** day of April, 1949.

The North Atlantic Pact¹

COLLECTIVE DEFENSE AND THE PRESERVATION OF PEACE, SECURITY AND FREEDOM IN THE NORTH ATLANTIC COMMUNITY

A Treaty for Collective Defense

The conversations begun in Washington in the summer of 1948 among representatives of the governments of Belgium, Canada, France, Luxembourg, the Netherlands, the United Kingdom, and the United States have resulted in agreement on the specific terms of a treaty providing for a collective security arrangement among nations of the North Atlantic area. The text of this proposed treaty, commonly known as the North Atlantic Pact, is now released for public discussion. It is expected that the signing of the treaty will take place a few weeks hence.

The Pact has its roots in the common heritage and civilization of the peoples living on both shores of the North Atlantic Ocean. These peoples have ties not only of cultural background but of a common, ingrained faith in the dignity and worth of the individual, in the principles of democracy, and in the rule of law. Two world wars have taught them that their security is inextricably linked together, that an attack on any one of them is in effect an attack on all.

Developments in Europe since the ending of hostilities in 1945 have revealed the true dimensions of the task of restoring economic health and political stability to postwar Europe. At the

same time these developments have demonstrated, in emergency after emergency, the identical security and economic interests shared by the democratic countries of the North Atlantic community. From the problems of immediate postwar relief to the economic crisis disclosed by the bitter winter of 1947, and from attempted Soviet intimidation of Greece and Turkey to the Communist overthrow of democracy in Czechoslovakia, each emergency has required practical action from the democratic nations. In turn, each action has created closer ties of cooperation and has emphasized the need for joint defense on a continuing and intimate basis. The purposes and proposed method of such a defense have now been made public in the text of the North Atlantic Pact.

Purposes and Objectives. The North Atlantic Pact is a brief and simple document. The powerful impact it can be expected to have on world affairs derives from three factors: (1) the stature and strength of the states which have indicated their intentions of becoming members of the arrangements; (2) the precarious world security situation to which it will bring a corrective influence; and (3) the developing unity of the North Atlantic community, historically evident throughout more than a half century of increasing interdependence but here formally recognized for the first time.

¹ Department of State publication 3462.

The Preamble of the Pact declares that:

The Parties to this Treaty reaffirm their faith in the purposes and principles of the Charter of the United Nations and their desire to live in peace with all peoples and all governments.

They are determined to safeguard the freedom, common heritage and civilization of their peoples, founded on the principles of democracy, individual liberty and the rule of law.

They seek to promote stability and well-being in the North Atlantic area.

They are resolved to unite their efforts for collective defense and for the preservation of peace and security.

Commitments Under the Pact. In the first article of the treaty the Parties specifically reaffirm their obligations under the Charter to settle any international disputes in which they may be involved, not only with each other but with any nation, by peaceful means and in such a manner that peace, security, and justice are not endangered and to refrain from the threat or use of force in any manner inconsistent with the purposes of the United Nations.

In subsequent articles the Parties undertake the following commitments:

1. To strengthen their free institutions, promote conditions of stability and well-being, and encourage economic collaboration;

2. To maintain and develop their individual and collective capacity to resist armed attack;

3. To consult if the territorial integrity, political independence, or security of any one of the parties is threatened; and

4. To consider an armed attack on any one of the Parties as an attack against all and, consequently, to take such individual and collective action, including the use of armed force, as each Party considers necessary to restore and maintain the security of the North Atlantic area.

By entering into the North Atlantic Pact the United States would reaffirm its determination expressed in the United Nations Charter to participate in "effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression". It would undertake, in cooperation with the other Parties to the treaty, to maintain and develop adequate capacity to resist armed attack. By entering into this regional arrangement it would recognize the fact that any armed attack upon any nation party to the treaty would so threaten the national

security of the United States as to be in effect an attack upon the United States.

Under the United States Constitution the Congress alone has the power to declare war. This constitutional question, however, does not present a real obstacle to the Pact. The United States certainly can obligate itself in advance to take such action, including the use of armed force, as it deems necessary to meet armed attack affecting its national security. The fact that the fulfilment of a treaty obligation—as far as a declaration of war is concerned—depends upon the action of Congress does not inhibit the United States from undertaking the commitment. It is believed that the spirit underlying the North Atlantic Pact, as well as its language, correctly expresses and makes clear the determination of the American people to resist such attack by whatever means may be necessary.

Armed Attack. Article 5 of the Pact comprises a solemn engagement that each Party will exercise honest and genuine judgment in determining what action is necessary for the restoration of peace when another Party has been attacked. The purpose of the Pact is to strengthen the peace by making clear that the Parties are prepared to do their utmost, individually or together, to maintain it and to act together if any one of them is attacked. The Parties to the Pact believe that they have the most to lose and the least to gain from another conflict. They are convinced that, while defeat may mean complete disaster, even the victor in a modern war loses more than it gains. They are convinced that war itself must be prevented. The North Atlantic Pact is their joint effort, in keeping with the spirit and obligations of the Charter of the United Nations, to insure peace and prevent war. It is an agreement among nations which have given clear proof that they do not wish war, that they wish only to live in peace and security, and that they will defend themselves when attacked.

The clear intention of the Parties to the Pact to take united action, coupled with the preparation of the means to do so, should remove the danger of miscalculation by any potential aggressor that he could succeed in overcoming them one by one. If a similar clear indication of the firm intention of the free nations had been given early enough in the course of Nazi aggressions, the Axis Powers might well have stopped before they precipitated a war in 1939. Faced with sufficient firm-

ness, potential aggressors have always paused. Firmness does not in itself provide solutions of the underlying problems, but it does increase the readiness of ambitious nations to seek solutions by negotiations rather than by force.

The North Atlantic Area. The mutual assistance provisions of article 5 of the North Atlantic Pact will apply to the territory of any of the Parties in Europe, North America, and the Algerian departments of France; and to the occupational forces of any Party in Europe, as well as to the Atlantic Ocean north of the Tropic of Cancer. It may be enlarged as other states become Parties to the agreement.

Membership in the Pact. The original signers of the Pact will be Belgium, Canada, France, Luxembourg, the Netherlands, Norway, the United Kingdom, and the United States, and also Denmark, Iceland, Italy, and Portugal if they wish to sign. In addition, the text of the proposed treaty provides that the Parties may, by unanimous agreement, invite any other "European state in a position to further the principles of this Treaty and to contribute to the security of the North Atlantic area" to become a Party to the Pact.

Various considerations make it impossible to contemplate all or part of Germany now becoming a member of the North Atlantic Pact. The question of Spain's participation in the Pact is a matter for decision by all the members, most of whom do not now consider that Spain should be included.

If any other European countries which do not become original signatories indicate an interest in the North Atlantic Pact, inviting them to accede would be a decision to be taken by the members as a group in conformity with article 10.

Organization. The Pact provides for the setting up of a council on which each of the Parties will be represented and directs that the council "shall be so organized as to be able to meet promptly at any time". The council itself is required to "set up such subsidiary bodies as may be necessary; in particular it shall establish immediately a defense committee which shall recommend measures for the implementation of Articles 3 and 5."

Duration of the Agreement. The North Atlantic Pact contains no time limit. It provides that after 10 years, or at any time thereafter, the Parties may review the treaty to determine whether any changes would be desirable in the light of the inter-

national situation at the time and the progress made in developing, through the United Nations, methods of assuring international security on both a universal and a regional basis. It provides also that after 20 years any nation may withdraw from the treaty after giving one year's notice.

After signature, and ratification through the constitutional processes of the individual countries, instruments of ratification will be deposited with the United States Government. The treaty will come into force when the ratifications of the majority of the signatories, including Belgium, Canada, France, Luxembourg, the Netherlands, the United Kingdom, and the United States, have been deposited. For the other signatory states, and for those states which become Parties at a later date, the treaty will come into effect on the date of the deposit of their individual ratifications.

The Atlantic Pact and the United Nations

The Pact and the United Nations Charter. The Atlantic Pact is a collective self-defense arrangement among countries of the North Atlantic area who, while banding together to resist armed attack against any one of them, specifically reaffirm their obligations under the Charter to settle their disputes with any nations solely by peaceful means. It is aimed at coordinating the exercise of the right of self-defense specifically recognized in article 51 of the United Nations Charter. It is designed, therefore, to fit precisely into the framework of the United Nations and to assure practical efforts for maintaining peace and security in harmony with the Charter.

Article 51 of the United Nations Charter recognizes that the Member Governments have "the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security." Such measures, however, are to be reported immediately to the Security Council, and do not in any way affect the authority and responsibility of the Security Council "to take at any time such action as it deems necessary in order to maintain or restore international peace and security."

Article 5 of the Treaty specifically provides that measures taken by the Parties as a result of an armed attack on one of them shall immediately be reported to the Security Council and shall be terminated when the Security Council has taken

the measures necessary to restore and maintain international peace and security.

The primary responsibility for maintaining international peace and security rests with the Security Council. The obligations undertaken by the Parties to the Atlantic Pact do not affect their obligations under the Charter and are subject to present and future obligations with respect to actions taken by the United Nations "to maintain or restore international peace and security". Article 7 of the Pact explicitly states:

This Treaty does not affect, and shall not be interpreted as affecting, in any way the rights and obligations under the Charter of the Parties which are members of the United Nations, or the primary responsibility of the Security Council for the maintenance of international peace and security.

In other words, everything done by the Parties under the Treaty must be done in accordance with their obligations under the Charter, the provisions of which, wherever applicable, are paramount.

Comparison With the Rio Pact. While the North Atlantic Pact and the Rio Pact are both regional arrangements within the framework of the United Nations, they differ in certain respects. They are similar in that an armed attack against one of the Parties is to be considered an armed attack against all the Parties, and both provide for consultation in the event of any situation threatening the security of the parties. The chief differences are these: (1) The Rio Pact contains voting provisions with respect to the decision of the Organ of Consultation, this Organ being the Meetings of Ministers of Foreign Affairs of the American Republics which have ratified the Pact, or the Governing Board of the Pan American Union which may act provisionally as an organ of consultation until a Meeting of Ministers can take place. The Atlantic Pact does not contain such voting requirements. (2) The Rio Pact specifies the measures which the Organ of Consultation may agree upon. Each party of the Atlantic Pact agrees to take "individually and in concert with the other Parties, such action as it deems necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area." (3) The Rio Pact has specific provision for procedures to be followed in the case of conflict between Parties to the Pact. The Atlantic Pact does not contain such a provision.

In contrast to both the Rio and Atlantic Pacts, the mutual assistance treaties the Union of Soviet

Socialist Republics has made with her satellites are bilateral in character and by their language are directed primarily against renewal of German aggression. The way in which these arrangements are related to the United Nations Charter is not clear. They contain no specific reference to article 51 of the Charter, and the connection with the United Nations is given in vague and generalized phrasing. The Bulgarian-U.S.S.R. treaty of March 18, 1948, for example, merely states that: "The present Treaty will be implemented in accordance with the principles of the Charter of the United Nations Organization."

Added Strength to the United Nations. The Atlantic Pact is designed to help bring about world conditions which will permit the United Nations to function as contemplated at the San Francisco conference. The expectation that the cooperation among the Great Powers pledged during the war and reflected in the Charter would be continued has not been realized. The most important of the peace settlements have not been agreed upon, and, largely because of Soviet obstruction and abuse of the veto, the United Nations has not yet become so fully effective in achieving collective security as had been hoped.

Since the signing of the Charter it has become progressively clearer that serious misconceptions prevail in the minds of the leaders of the Soviet Union concerning Western civilization and concerning what is possible and what is impossible in the relations between the Soviet Union and the world at large. A major contribution which the United Nations and which United States foreign policy can make is to dispel these misconceptions by means consistent with the Charter.

In the field of international relations efforts of the Western powers to reach agreements providing genuine solutions for many of the most important postwar problems have thus far proved fruitless because of Soviet intransigence. Nonetheless, the Parties to the North Atlantic Pact solemnly and specifically reaffirm their obligation under the Charter to settle any international dispute by peaceful means and in such a manner that peace, security, and justice are not endangered. In the Pact they pledge themselves anew to strive toward that end.

The North Atlantic Pact speaks in clearly understandable language. It defines the security of the

North Atlantic area and the consequences of infringement upon that security. It should thereby enhance the likelihood of reaching peaceful solutions to pending problems by making clear the consequences of resort to force.

Under existing conditions the purposes and principles of the United Nations Charter will be advanced exactly to the extent that the Pact may be able to strengthen the security of the peoples in the North Atlantic area. Its relation to the objectives of the United Nations Charter was summed up in these terms by Warren R. Austin, United States Ambassador to the United Nations:

The North Atlantic Pact provides most persuasive evidence that aggression is unwise and that peaceful collaboration is the course that should henceforth be adopted.

Emphasis should be placed on the character of the action that is proposed. The aim is to discourage aggression by showing a firm determination to resist armed attack. Its character is defensive. Its object is peace. . . .

The use of force provided for by this Pact is of the same character as that provided for by the United Nations Charter; namely, to prevent war. It promises prompt resistance by interposing collective force against an aggressor nation.

Conclusion of the North Atlantic Pact would reduce the likelihood of war. It would increase the prospects of peace. It would help us turn to a major task of the United Nations—the substitution of pacific settlements for armed conflict.

The Atlantic Pact and United States Policies

President Truman's "Point Three." President Truman's Inaugural Address was both a statement of American principles and a program of action, a reaffirmation of the policies which have guided the United States in world affairs and a selection of the means to be used to make those policies most effective. The four major courses of action he announced are dependent one upon the other and all of them depend upon the day-to-day execution of the whole body of the United States foreign policy which expresses the character, the way of life and the intent of the American people. The principles which have led to the great actions of the United States in the past are those which now give power and moral substance to the cooperation the United States looks forward to establishing with the other countries of the North Atlantic area. The people of the United States, the President declared:

... believe that all men have a right to equal justice under law and equal opportunity to share in

the common good. We believe that all men have the right to freedom of thought and expression. . . .

The American people desire, and are determined to work for, a world in which all nations and all peoples are free to govern themselves as they see fit and to achieve a decent and satisfying life. Above all else, our people desire, and are determined to work for, peace on earth—a just and lasting peace—based on genuine agreement freely arrived at by equals.

The third of the four major courses of United States action outlined by President Truman was directed squarely at a peace "based on genuine agreement freely arrived at by equals." Principle and method were tied clearly together.

... we will strengthen freedom-loving nations against the dangers of aggression.

We are now working out with a number of countries a joint agreement designed to strengthen the security of the North Atlantic area. Such an arrangement would take the form of a collective defense arrangement within the terms of the United Nations Charter.

We have already established such a defense pact for the Western Hemisphere by the treaty of Rio de Janeiro.

The primary purpose of these agreements is to provide unmistakable proof of the joint determination of the free countries to resist armed attack from any quarter. Each country participating in these arrangements must contribute all it can to the common defense.

If we can make it sufficiently clear, in advance, that any armed attack affecting our national security would be met with overwhelming force, the armed attack might never occur.²

Cooperation for World Peace. The United States has vigorously supported the United Nations and the related agencies. In his Inaugural Address President Truman stated again the determination of the United States to continue to search for ways to strengthen their authority and increase their effectiveness. This determination has led and will continue to lead to practical action—aid to the war devastated areas, aid to Greece and Turkey, the effort to secure agreement on the international control of atomic energy, the European Recovery Program, cooperation in establishing the Organization of American States, the proposal for a cooperative world program of technical assistance, and the joint action in protecting the security of the North Atlantic area. These actions are based on the assumption that each Member of the United Nations is obligated to observe in all of its relations with other countries the principles it pledged itself to support when it signed the Charter.

² BULLETIN of Jan. 23, 1949, p. 124.

Security Arrangements. United States policy recognizes that the United Nations is not yet the perfected instrument of world security. The United Nations was founded on the premise of Great Power cooperation. Its structure is therefore such that, if any one Great Power is unwilling to cooperate, it can seriously impede efforts for peace within the organization. Soviet obstruction in the United Nations, with excessive use of the veto, and Soviet failure to live up to its obligations under the Charter have prompted Members which are active in support of the purposes and principles of the Charter to take steps to assure the freedom and independence of certain Members of the United Nations. The United States has taken part in some of these actions and has given support, both moral and material, to others. President Truman's message to Congress on March 17, 1948, referred specifically to the Brussels Pact:

... This development deserves our full support. I am confident that the United States will, by appropriate means, extend to the free nations the support which the situation requires. I am sure that the determination of the free countries of Europe to protect themselves will be matched by an equal determination on our part to help them to do so.

This policy of support was given a broader context three months later when on June 11, 1948, the United States Senate, by an overwhelming vote, recommended:

Progressive development of regional and other collective arrangements for individual and collective self-defense in accordance with the purposes, principles, and provisions of the Charter.

Association of the United States, by constitutional process, with such regional and other collective arrangements as are based on continuous and effective self-help and mutual aid, and as affect its national security.

Contributing to the maintenance of peace by making clear its determination to exercise the right of individual or collective self-defense under article 51 should any armed attack occur affecting its national security.

World Wars I and II demonstrate that the security of the United States is directly related to the security of Western Europe and that the nations on both sides of the North Atlantic are bound together by a natural community of interests. The Atlantic Pact is a formal acknowledgment of this relationship and reflects their conviction that an armed attack can be prevented only by making clear in advance their determination collectively to resist such an attack if it should occur. Such a collective security arrangement is necessary, in

the view of the United States, to protect the North Atlantic community and its own security.

By enabling its members to confront a potential aggressor with preponderant power—military, economic, and spiritual—the Atlantic Pact will help to restore the confidence and sense of security which are essential for full economic and political stability. Its political, psychological, and military values are each important and, in fact, inseparable. By reducing the chances of war, by increasing confidence and stability, and by providing the basis for effective collective defense should it be necessary, the Pact can aid materially in establishing in Western Europe the atmosphere necessary for economic recovery and bring closer the fuller life which is possible in a cooperative world society adjusted to the peaceful uses of modern scientific and technical advances.

The ability of freedom-loving peoples to preserve their independence, in the face of totalitarian threats, depends upon their determination to do so. That determination, in turn, depends upon the development of healthy political and economic life and a genuine sense of security. A belief in this power of self-determination led the United States to embark upon a policy of assisting Greece and Turkey through the Greek and Turkish Aid Program, and later, the European countries through the European Recovery Program. The United States is now contemplating entry into the North Atlantic Pact as a means of giving effective support in the area of collective security to the purposes and principles of the United Nations as set forth in the Charter. If the American people approve this step, the government's objective will be the same as the one on which the United States policies now converge, the restoration to international society of the conditions essential to the effective operation of the machinery of the United Nations and the progressive attainment of the objectives stated in the United Nations Charter. In the words of President Truman:

We are moving on with other nations to build an even stronger structure of international order and justice. We shall have as our partners countries which, no longer solely concerned with the problem of national survival, are now working to improve the standards of living of all their people.⁸

Slowly but surely we are weaving a world fabric of international security and growing prosperity.

⁸ BULLETIN of Jan. 30, 1949, p. 124.

The Atlantic Pact and the European Recovery Program

The North Atlantic Pact is a necessary complement to the broad economic coordination now proceeding under the European Recovery Program, but there is no formal connection between the Pact and the ERP since the latter includes countries which will not participate in the Pact.

In the view of the United States, the Pact and the ERP are both essential to the attainment of a peaceful, prosperous, and stable world. The economic recovery of Europe, the goal of the ERP, will be aided by the sense of increased security which the Pact will promote among these countries. On the other hand, a successful ERP is the essential foundation upon which the Pact, and the increased security to be expected from it, must rest.

The Atlantic Pact and Military Assistance

A military assistance program is now being considered by the executive branch of the Government. This program, another measure for securing peace for the United States and other peace-loving nations, envisages aid to the members of the Pact as well as other friendly states of the free world. As President Truman stated to the Congress in March 1947: "I believe that it must be the policy of the United States to support free peoples who are resisting attempted subjugation by armed minorities or by outside pressures. . . . Totalitarian regimes imposed upon free peoples, by direct or indirect aggression, undermine the foundations of international peace and hence the security of the United States." Since May 1947, military assistance has been provided to several countries under this policy.

While the North Atlantic Pact does not expressly commit the United States to furnish military assistance to the other Parties of the Pact, the decision to do so by the United States would be one way in which this nation could logically contribute to the mutual aid concept expressed in article 3 of the Pact. It is not intended, however, that one nation should carry on its shoulders the entire burden of maintenance of the security of the North Atlantic area. The United States is one of the contributors to this effort. The United States is fully aware that it does not have available unlimited supplies and that it is essential that its own armed forces be adequately equipped. Allocation of such military equipment as is avail-

able for transfer to other countries must be made in such a manner as will serve the over-all security interests of the United States.

In accordance with the principle of self-help and mutual aid, the other members of the Pact have already taken action to further the security of the North Atlantic area. Their efforts toward re-establishing sound economies are a vital provision of self-help in the security arrangements. The military budgets already carried by many of these countries, despite the tremendous load of economic recovery expenditures which they are undertaking, are an added expression of their intention of helping themselves and of not relying solely or even principally on United States assistance to maintain their own security and that of the North Atlantic area.

The Pact and European Integration

Economic and Political Cooperation. The North Atlantic Pact is made possible by the strides the Western nations of Europe have taken toward economic recovery and toward economic, political, and military cooperation. The core of the economic recovery effort is the European Recovery Program and the Organization for European Economic Cooperation (OEEC), composed of the 16 countries receiving American aid through the United States Economic Cooperation Administration (ECA). The 16 countries in the OEEC and represented on its Council are the United Kingdom, Austria, Belgium, Denmark, France, Greece, Iceland, Ireland, Italy, Luxembourg, the Netherlands, Norway, Portugal, Sweden, Switzerland, and Turkey. Western Germany also participates fully in the OEEC. The Charter of the OEEC pledges the continuing effort of these countries to increase production, modernize industry, stabilize their finances, and balance their accounts with the outside world in order to make their full contribution to world economic security. Lines of action to increase cooperation through 1952 have been prepared. Support and aid to this integration has also come from the United Nations Economic Commission for Europe, of which the United States is a member.

The progress toward economic cooperation has been paralleled by moves toward a closer political integration of Western Europe. The outstanding instance is the Brussels Pact signed on March 17, 1948. The Brussels Treaty System, or "Western

Union" as it is sometimes called, originated in a speech delivered by British Foreign Secretary Bevin in the House of Commons on January 22, 1948.⁴ Mr. Bevin stated that the concept of the unity of Europe was accepted by most people, but that the question was whether it should be achieved by the domination of one great power using police-state methods or by mutual cooperation and assistance. He believed the time ripe for a consolidation of Western Europe and proposed the linking by treaty of the United Kingdom, France, and the Benelux countries (Belgium, the Netherlands, and Luxembourg) as the "nucleus of a Western European unit" which would include other countries of free Europe.

Military Cooperation. The Brussels treaty provides that the five member countries shall give "all military and other aid and assistance in their power" to a contracting state that is the object of armed attack in Europe. The Consultative Council set up by the treaty established a Permanent Military Committee of high ranking military experts and also arranged for periodic meetings of the Ministers of Defense of the member countries. The Permanent Military Committee was given the task of planning an integrated defense organization and a common defense policy which would coordinate the military forces and resources of the five countries. Since July 1948, United States military representatives have been participating in a nonmember status in the work of the committee.

In September 1948 the five Ministers of Defense approved an integrated military command organization headed by Viscount Montgomery, as chairman of the Commanders in Chief of the Western European Ground Forces, British Air Marshall Sir James Robb as Commander in Chief of the Air Forces, and French Vice-Admiral Robert Jaujard as naval "Flag Officer" of the Committee. In October 1948 the Consultative Council approved the common defense policy, based on the Brussels treaty objectives and on the United Nations Charter. The Permanent Military Committee is currently coordinating the military resources of the five countries in a supply program which is expected to reveal what the Brussels Pact countries can do for themselves and each other in this respect and the extent to which they may find it necessary to supplement their sup-

plies with military equipment from the United States.

The Atlantic Pact and U.S. Security

Discussions of the security functions of the North Atlantic Pact by United States representatives have emphasized the following considerations: The security of the United States would again be seriously endangered if the entire European continent were once more to come under the domination of a power or an association of powers antagonistic to the United States. Continental Europe was lost to the Allied Powers in World War II before the United States became an active participant. It was regained at great risk and at an enormous loss of lives and expenditure of material and money. Today, the weakened condition in which the nations of Europe find themselves as a result of the destruction and privation of war has afforded a golden opportunity for a new aggressor. It is clear in this case—as it is clear, in retrospect, in the case of Nazi Germany—that dominance of the European continent, once attained and consolidated, could be the first step in a larger plan of attack on Great Britain and then on the United States and the rest of the Western Hemisphere. The problems created by this possibility of progressive and sustained aggression are legitimately the concern of United States security planning. The maintenance of the freedom and independence of the countries of Western Europe is of pre-eminent importance. It is believed essential to the security of the United States, therefore, that it consolidate the friendships and support which it now enjoys from free and friendly nations, and that thereafter it should seek through peaceful means to reduce the area within which any aggressor can effectively apply pressure.

The last two great wars have proved that a major conflict in Europe would inevitably involve the United States. The North Atlantic Pact, it was pointed out, is designed to give assurance that in the case of such a war there will be a coordinated defense in which the actual military strength and the military potential of all the members will be integrated into a common strategic plan. Article 4 provides that the Parties to the Pact shall consult when the territory, independence, or security of any of them is threatened; article 5 insures assistance to any Party subject to armed attack. The last war proved clearly that an aggressor na-

⁴ BULLETIN of Feb. 1, 1948, p. 138.

tion can best achieve its results by picking off democratic countries one by one, dividing and splitting these countries through propaganda and other tactics so that they are incapable of coordinated defense. The essence of the North Atlantic Pact is that this is not to happen again with respect to the signatory countries.

These preventive and defensive actions have a vital significance for United States security, but they do not by any means overshadow the broad, constructive security actions which are enjoined by the Pact. The United States and its people believe that the most certain and effective secu-

rity action open to any nation is a cooperative effort, through the United Nations and other avenues of negotiation, to eliminate war and the conditions which lead to war. This policy finds expression in article 2 of the North Atlantic Pact:

The Parties will contribute toward the further development of peaceful and friendly international relations by strengthening their free institutions, by bringing about a better understanding of the principles upon which these institutions are founded, and by promoting conditions of stability and well-being. They will seek to eliminate conflict in their international economic policies and will encourage economic collaboration between any or all of them.

Greater Home Rule Proposal Offered Bavarians¹

BY MURRAY D. VAN WAGONER

Director, OMG Bavaria

Bavaria has some serious shortcomings in its political development. This gives us much concern in Military Government.

There is something wrong when a man goes to the housing office to get himself a residence permit and finds himself shunted from office to office, delayed for days by the lack of this or that stamp. Usually he is treated with the cordiality that a king would have for a charwoman.

That could not happen in a dynamic democracy. The people would write letters to the newspapers and letters to their congressmen. The press and the legislators would demand an explanation from some red-faced bureaucrats. The situation would be changed. At least the bureaucrats would become civil.

There is something wrong when a city government can require shops to close at specified hours each day, even though some merchants would like to stay open longer for the convenience of the public. Since when did government have a right to tell a store owner how long he may keep his shop open?

Again there is an obvious failure in democracy when the Civil Service Commission sits in secret

session even though its deliberations and decisions affect the vital interests of thousands of government workers.

These are definite examples. We are not so concerned about them, as we are about the apparent inability of the people to correct these situations.

It is difficult to say where the fault lies. Is it because too many members of government attempt to control the people rather than serve them? Or is it because of an apathetic public which fails to assert its rights? A renowned French liberal once said that the tyranny of an autocratic prince is not so dangerous to the public welfare as apathetic citizens in a democracy.

However, there are several trends in the Bavarian government which should give the people a greater direct voice and influence in government. One of these developments strikes directly at centralization in Bavaria. The state government tends to collect too much power in Munich, while restricting the self-governing functions of the communities, cities, and counties. It is no wonder the people are disinterested in their local administration when they have so little power to act on their own.

Recently the Ministry of Interior prepared a memorandum proposing more autonomy for local

¹ Reprinted from the *Information Bulletin* of the U.S. Military Government in Germany, Feb. 22, 1949.

government and simplifying the administrative machinery. It is a highly commendable piece of work. I would like to cite some of its reforms as well as giving a few ideas of my own on this matter. It should be of greatest importance because each individual should be vitally concerned with the operation of his local government, and how much voice he has in the administration of schools, police force, local taxes and so forth.

Today Bavarian citizens have very little to say about such matters locally. For instance, the school system is operated in large part centrally from Munich. The Bavarian constitution provides, however, that communities may operate their own elementary and vocational schools. Why could not towns and counties elect nonpartisan school boards to administer local schools according to minimum state requirements? This would give local people—especially parents—a voice in the education of their own children.

Likewise, local governments should have power to select their civil service employees as long as they are qualified by state standards. Counties should have more control over the rural police, which is now centrally directed from a state headquarters.

Another confusing situation is that of the dual role of the Landrat (county administrator). He serves as a state official in carrying out functions and directives from Munich. But he is also elected by the county legislature, and responsible to it. Too often, as an official of the state government, the Landrat can override the authority of the county legislature in local matters. We believe that state functions delegated to local government should be placed squarely in the county legislature. Then it may instruct the Landrat as to how these functions will be carried out.

County legislatures, too, should establish closer contact with the public. Today, one executive committee handles most of the legislature's business in secret session. There should be committees on police, rationing, agriculture, housing and other functions. Committee meetings should be public. All of this gives more people a part in running their local government. The greater the participation, the greater the interest.

It is a long way from Munich to Hof. Yet the people in Hof are just as vitally affected by the actions of the state government in Munich as the people in Munich itself. They should have just as

much concern with influencing government action as local residents of the capital city. But sometimes we wonder how much influence the people are able to wield on their elected officials.

Every citizen in America has a representative from his district in both his state and national congress or legislature. The people write them letters or send telegrams concerning local, national, or international issues. When the legislature recesses, officials circulate among their constituents to find out what they are thinking.

Often a congressman will intercede with the government to help a person from his district. They know that they must serve the majority interest or they will be rejected at the polls on next election day. In this way, constant and guiding pressure is maintained on the legislature by the people.

In Europe the proportional election system makes this difficult. Members of political parties nominate the candidates that you vote for. Thus the elected officials too often feel more responsibility to their party than they do to the people. Also this system does not provide for fair representation of all parts of Bavaria in the Landtag. One voting district may have no delegate to the Landtag, while another may have half a dozen. Some delegates may represent several districts located in different parts of Bavaria. How can one man fairly represent so many people in such widely scattered areas? The answer is that he can't. Close contact between the people and their elected representatives is lost. Probably most Bavarians do not know the name of their Landtag delegate. Thus we get apathy and indifference toward the state government. The government is no longer responsible to the people.

Progressive elements of the government, however, have recognized this danger. A bill is now under consideration to correct it. The bill would provide a new election law including the best features of both the plurality system and proportional representation. One delegate would be elected by a majority vote from each voting district. In effect, the residents of each district would send a delegate to the Landtag (state legislature) and he in turn would be responsible to them. If he failed to obey the majority sentiment on important issues he would lose his job in the next election.

If this people did not like the actions of a state agency in their district they could complain to

their Landtag delegate and expect him to request action from the responsible state minister.

In addition to the direct representation, the law also provides for the election of delegates-at-large according to the proportion of votes received by each political party. This will provide representation for small parties which would not be strong enough to win a seat in district elections. If passed, the system of representation in Bavaria should be vastly improved.

But it will not be effective unless the people take advantage of their new opportunity. When the next election arrives, and they have chosen their own delegates, then they have a direct emissary in the government. The next time the little man gets pushed around by a state official he writes his Landtag delegate for help.

These reforms offer the people an opportunity for greater voice in their government. Public opinion would have more influence. Individual rights would have stronger protection.

But the most liberal democratic structure in the world will not guarantee civil liberties and popular government if citizens do not accept their responsibilities. The Weimar Republic proved that. This should be a guiding principle for every citizen of Bavaria.

Suppose a faction in the government should propose a law requiring all new buildings to be constructed in Gothic style. Architects would want to stop such a stupid idea. Perhaps chemists would like to see a large state research laboratory established and were looking for ways to get the funds allocated. Suppose a citizen wanted the street paved in front of his house. How would he get the city council to approve it? What if the school board should appoint an incompetent teacher in his children's school?

In all of these cases definite action is wanted. In a democracy citizens can get action. But Germans will be helpless unless they know their government and their rights. In the past, German education has turned out excellent but highly specialized engineers, architects, chemists, doctors, and lawyers. But it has failed to produce responsible citizens.

Forums are a healthy step towards correcting that failure. Civics and social sciences must also be taught extensively in the schools. Above all, students who will provide the brains and leader-

ship for the future Germany must become keen critics and watchdogs of government. If they don't, there are elements in Germany today who are anxious to take over the government. If that happens, constitutional freedoms are gone.

Bavarian government is becoming more democratic. Its structure is becoming more liberal. It is up to the citizens to make it an instrument of freedom in their hands. They must not let it become a control mechanism in the hands of a few self-appointed leaders.

Principles Outlined

A special report outlining MG principles in the decentralization of governmental authority, prepared by the OMGB Civil Administration Division, has been forwarded to the Bavarian minister president, the constitutional committees of the state legislature, and to appropriate civic organizations, which are now considering new local government laws.

"If reform is to take place in Bavaria, it must be introduced in these new local government laws, for it is evident that if better local government is not established now, at this opportunity, there is little chance that it will be in the future," the report stated.

The MG study included the following major recommendations for breaking down overcentralization of power in the state government and granting stronger local autonomy:

Communities should be allowed more control in tax collection and distribution and permitted to levy as many independent revenues as possible. The system of collecting most taxes at state level and refunding revenues to local governments for their use, is "exceedingly complicated and cumbersome," and "sacrifices democratic objectives by concentrating financial power at Land level."

"The efforts of the government and other interested agencies should be turned now to the study of plans which will strive to make tax collection and distribution more of a community matter," the MG report stated.

Public interest should be stimulated in local budget plans, and sound budgetary practices in the communities should be emphasized. This would minimize deficits in communities, decrease the reliance upon the state for assistance and gain greater independence.

Military Government also objected to the current trend of splitting communities and creating new town and city governments which could not support themselves without state aid.

More power should be given to county legislatures to handle state functions delegated to local levels. At present, the MG study pointed out, the *Landrat* (county executive) serves not only as a local executive, responsible to the county legislature, but also as an officer of the state, implementing state laws and ordinances. Too often, his authority in the latter capacity overrides the authority of the legislature.

It was observed in the MG report that the whole administration system would be simplified if all state functions, which must be carried out at local levels, were delegated to the county legislature. The legislature could then determine the methods of implementation and instruct the *Landrat* accordingly, thus preserving the responsibility of this official to his legislature. Military Government agreed with the Ministry of Interior that the *Landrat*, as well as mayors of towns and cities, should be elected directly by the people. The present method of election by local legislatures often "resulted in horsetrading by political parties."

"It is certainly possible that a higher quality of *Landrat* and one with a greater sense of responsibility to the community will result if he is elected directly by the people, and that correspondingly, the quality of local government will be improved."

More committees should be formed in county legislatures "to gain the participation of additional members, instead of piling all the work and responsibility on the members of the *Kreisausschuss* (executive committee)." Such committees should also enlist the service of private citizens, which would give more people participation in local government and draw on prominent local authorities who are outside of government.

A committee to handle complaints by private citizens against local government should be set up in each legislature, with the right of appeal of committee decisions to the legislature as a whole, and finally to the administrative courts. Such committees would relieve much of the burden on the administrative courts, it was stated in the MG report.

It was also urged that town meetings now held regularly in many communities should be given legal recognition to the extent that "resolutions

passed in town meetings held in communities and smaller towns must be considered by the local legislatures. This would aid and encourage active participation by the people in civic matters."

"Military Government holds that the rural police must be decentralized. City police authority is already invested in the City councils but rural police control is centered in the Ministry of Interior. While the rural police should be governed by uniform standards throughout the state, control of the local rural police chief should be placed under the authority of the county legislature."

In school administration, Military Government recommended that Article 83 of the Bavarian constitution should be carried out, which would allow communities to operate their own elementary and vocational schools. When communities are too small or poor to take on this responsibility, then the schools should be operated by the county. Teachers who are qualified by state standards should be selected and assigned by local government authority, and their retention or transfer should also be decided on local levels. Specific taxes should be levied and earmarked for support of schools, and the county or community should have the right to levy additional taxes to improve local schools. To provide parents with an adequate voice in the education of their children, Military Government recommended "that local school administration be set up under popularly elected nonpartisan school boards on which the superintendent of schools would serve as executive officer." All meetings of these boards should be public.

Military Government also recommended that the power of the *Regierungsbezirk* (administrative district) president be clearly defined and limited, and the name changed to "State Inspector and Coordinator." This would reduce some of the prestige that the office of the president holds, which allows it to interfere in local government.

"Generally speaking the office of the *Regierungsbezirk* president as presently constituted does much to confound government administration with superfluous red tape and under its present authority meddles unnecessarily in local government matters," the report stated.

Public Opinion: Freedom of Thought in Bavaria¹

BY ALBERT C. SCHWEIZER

Director, Civil Administration Division, OMG Bavaria

To know what the average citizens, the farmers, the workers, the professional persons, the teachers and the business men think about public issues and about their government and political leaders is part of our business in Civil Administration Division. We get information from many sources—from the Information Service Division, from newspapers, from letters written by individuals, and from other Military Government sources.

One thing that is noticeable and alarming to us is the antagonism which often exists between individual citizens and the governments which are supposed to represent them. For example, many persons dismiss the activity of the Bavarian government as that of a self-interested group of individuals who are merely promoting their own welfare and importance.

They do not realize the earnest and honest effort that most of the leading members of their government make in an attempt to solve the many difficult problems which concern the normal Bavarian citizen. Long hours and a multitude of worries and annoyances, coupled with unreasonable attacks, make their public services far from a pleasant task.

On the other hand, the individual feels, and often rightly so, that actions are often taken which vitally concern the life of himself and his family without his being given an opportunity to voice his opinion or even of having knowledge of the action until it is performed and cannot be recalled.

If we look at the other side of the picture, we see that the official or the political party leader is often convinced that he knows much better what is good for the public than the public itself. Accordingly, he feels that his decisions are not only not subject to public advice and criticism but it is in the best interest of the public welfare to withhold knowledge and thus prevent any chance of

interference in what he considers action in the best public interest.

Basically, this attitude shows a lack of confidence in the intelligence of the average citizen. Under any condition of proper political enlightenment this would be an insult to the individual. Under conditions where the public is improperly informed, it shows the need for political education for the voters. Since I cannot believe that those leaders who act without proper consideration for the opinion of the individual voters would normally insult those voters, we must recognize that there is a need for better political education of the voters.

Information on political issues is worthless except to people who recognize the importance of this information and know how they can use it. That means popular interest in public issues. It means the development of the combined personal opinions of the farmers, the workers, the professional persons, the students, the merchants, the housewives which make up that thing we call public opinion.

Two aspects of this matter of public opinion should be considered. The first is the answer to the question "How is public opinion formed?" The second is the answer to the question "How can an informed public opinion be effective?"

First, take the formation of public opinion. Certain means are obvious to everyone—the press and radio. With the press we have not only a most effective medium but also a most dangerous one. I do not need to stress the importance of the public press, but I should point out certain dangers—dangers which prevent the press from fulfilling its duty of forming public opinion. These dangers lie in control.

It was only with reluctance that Military Government exercised any control of the press. It is completely counter to American basic principles. It was put into effect to offset the chaotic conditions after hostilities and to offset the vicious control which had been built up under the Nazi regime.

¹ Reprinted from the *Information Bulletin* of the U.S. Military Government in Germany, Feb. 22, 1949.

The leading officials in Information Services Division attempted to distribute the limited number of licenses which could be made available in such a manner as to make possible the presentation in Bavaria of all types of thinking and belief—political, religious, economic and otherwise.

The time has now come when reasons for control by Military Government are disappearing and Military Government is anxious to relinquish all licensing and control. It will do so as soon as it feels that the press is guaranteed absolute freedom from dictation or interference by any political, governmental or other group. The Bavarian government is now preparing a press law which is to guarantee, under the constitution, complete freedom of expression. With this freedom of expression, with the possibility to present all sorts of points of view on important issues, Bavaria will have an important tool for the formation of an enlightened public opinion.

The same situation is true in regard to the radio—there must be freedom of expression. There must also be freedom to listen to the voice of all who speak over the air, not only those who speak in Bavaria or West Germany, but in all other parts of Europe and the world. One of the blackest spots in the Nazi rule was the attempt to warp the minds of the people by withholding from them words which were spoken or written in other lands.

Similar values are gained in forming public opinion by means of the stage and the moving picture screen.

Two other significant means of forming public opinion should be stressed. The first is the public hearing. This is a device which is not unknown in Bavaria, but is, unfortunately, too little practiced. Let me give an example of how public hearing is practiced in America. Take as an example a public hearing before a committee in the United States Congress. Just as in the Bavarian legislature, so in America, bills when introduced to the legislature are given over to committees for study.

Supposing that a bill is introduced on the important matter of housing. It is referred to the appropriate committee and announcements are made that the committee is to conduct hearings to air the pros and cons of the particular bill. These hearings are open within practical limits to all who have an interest in attending. Interested groups, representing interested individuals, may request an

opportunity to express their views. In this particular housing bill the banking interests may have something to say; social welfare organizations may want to be consulted; builders and professional architects and engineering organizations may ask to be heard; trade unions may have an interest and ask to present their views.

In addition to this, the committee itself is apt to invite or request certain individuals or representatives of groups to appear at these hearings and declare their views on the measure. The press and radio and film representatives have free access to the meetings to report on whatever may be said.

Thus, we have an airing of the particular bill and the issues at stake and from this we have both the information and the expression of public opinion which may serve as a guide to those congressmen who are studying the law and congressmen who may vote upon it. This principle of public hearing also is followed in the meetings of a city council or in the meetings of a planning board which may be changing the elements of a city. It is, of course, quite contrary to the attitude of legislating in secret.

The broad use of this principle of public hearing is firmly recognized in the Bavarian Constitution, which says: "Sessions of the Landtag (legislature) are public." Even more recently the Landtag itself has recognized this principle, for in its new rules of procedure, passed last spring, it established that legislative committee meetings would be open to the public. It has been said that this is an expensive tool and one which may delay passage of legislation. If this really is true, and it may indeed be doubted, it is more than worth while because the gain is to the public benefit.

One more method of developing public opinion has been tried lately in Bavaria with great success—that is the town meeting or public forum. Here citizens meet to question their local government or local political leaders, or, in many cases, Military Government leaders, on problems of the day and on the handling of these problems. It is a device which is as old as the Germanic tribes but is new as a modern practice in Germany. It gives the officials the chance to explain to their people what they are planning and what they are doing.

Since the process is new there are some rough edges in the technique of town meetings and public forums which must be smoothed out. One diffi-

culty so far has been a tendency to use public meetings to intensify hostility between the citizens and the officials. The questions have often been aimed more as a challenge than as a bid for information. In the long run, however, an interchange of information is bound to produce a better understanding between officials and citizens. It will also result in clearing the air of the secrecy which veils information on official actions from the press.

The second major question which one should consider is: "How can public opinion be effective?" Officials and political leaders are representatives of the people, performing governmental acts in the name of the people which would be impractical for the individual citizens to perform themselves.

Therefore, public opinion must be considered as the views of the people expressing its wishes to its representatives, and if these men truly represent the people they must listen. They must listen when the people, through their spokesmen, voice opinions at public hearings. They must give heed when the citizens question them at town meetings and public forums. They cannot lightly ignore the public opinion which is expressed at these meetings.

In America, legislators are often flooded with letters and telegrams giving voice to public opinion on vital issues. The aid-to-Europe program would not be as great as it is today were it not for such letters and telegrams by the thousands pouring into Congress when it was debating the sum to be spent on the European Recovery Program.

And how can legislators and officials be made to listen to the voice of public opinion? In a democracy, legislators and officials are chosen by a people either directly or indirectly. By the power of the ballot it should be ultimately in the power of citizens to withhold offices and for the great body of the citizens to designate those whom they wish to represent them. It is widely recognized that such is not the case—for example, in the present legislature election law—and for this reason serious thought is being devoted to a new legislature election law which will give better representation to the citizens.

Naturally, there are individuals who, for selfish reasons, would oppose a really democratic law. They want to keep their jobs without danger of being forced out through an aroused public opinion, or they wish to perpetuate strong positions in the party where they are now able to designate

who should be the people's representatives. Few people are party members. In some parties only three or four percent of those who vote for the candidates of the party are actually members of the party. This means that three or four individuals have been able to name those who appeared on the party lists for every hundred voters, who have no other choice than to say "Yes."

It was a major victory for the normal voter in the last elections when he was able to vote for names of individuals instead of being limited to voting for party lists numbers. It would be another step toward a really representative government if the normal voter should have greater opportunity to say what names should actually appear on that voting list. This choice of party candidates is practiced in other countries, in America, for example, in a type of preelection called a primary election. Such elections are being considered by some of the political thinkers now in connection with the legislature election law.

Military Government has been attempting to assist the legislators by supplying material on elections in the United States and other countries. One suggestion for arriving at an improved proportional representation system as called for in the constitution is to use that practiced in Denmark. This system eliminates certain factors that are criticized in the present Bavarian system. Here, some voting districts have no delegate, while others have several. In order to guarantee election of a particular candidate, the parties had that candidate stand for election as a representative in a number of districts. In some of these districts, the candidate was practically unknown.

There has even been criticism of the English system where the candidate is not a resident of the district, although he must make himself known to the inhabitants and campaign in the locality in order to get elected. How much more should the Bavarian system be criticized where some of the candidates were not only little known, but had never even set foot in the districts which have them on the ballot. One candidate stood for election from 18 election districts.

In the Danish system, there are two types of delegates in the legislature. In the first group, each candidate represents a specific district and represents the interest of the people of that particular district. Then, there is a second group who may be considered as delegates at large and who

represent no particular district but who are designated from the various parties, and who are so distributed that the total number of delegates in the legislature represent the parties proportionately. There are other various ways of carrying out this principle which combine the good features of plurality elections with advantages of proportional representation.

The particular point to be stressed again in this connection is that by some such system, either direct plurality election or by such an improved proportional representation, the people of any area have their delegate, a man or woman, who is responsible to the people there and to public opinion and from whom further election to office may be withheld if he refuses to listen to the voice of public opinion.

Emphasis has been laid on the legislature election law as an important instrument to guarantee that the voice of public opinion is heard. There is other legislation pending which is important and indeed necessary if public opinion is to be effective. One is pending legislation on initiative and referendum and the other is the law for local communities.

First, consider initiative and referendum. The Bavarian legislature is elected for four years. Supposedly, delegates in that legislature represent the ideas and will of the people at that time. That, of course, is not entirely true under the present election law system. However, supposing it were true — the ideas of the delegates change and the ideas and desires of the people they represent also change. If these delegates fail to make the laws that the people want, the people must have some way in which to force the legislation they want. This is provided for in the constitution by the possibility of making a petition, or popular initiative. If the petition receives enough signatures it is presented before the legislature. Should the legislature refuse to pass the legislation proposed by the petition it is submitted to popular vote for decision. That is referendum.

This provision of the constitution has not yet been implemented. It is imperative that the mechanics of Initiative and Referendum be established by the legislature as soon as possible so that the people have the opportunity of deciding whether they want a new Landtag at this time or not. Public opinion should have some means of effectively expressing itself on this point.

Local government law is important to public

opinion for another reason. The individual's greatest chance of being heard as an individual is locally, as political thinking is generally formed on local issues; matters of whether the common schools should be enlarged, whether a community should build a new road, and the like. It is only by practice in expressing his ideas and wishes on such matters that he gains the ability to think and to talk intelligently on matters of wider interest, matters which go beyond his local community, matters of county or district or state or national importance.

Then, too, it is in local matters that public opinion can have its quickest and strongest effects. For this reason, it is important that as many political issues as possible be solved at local level and that as much of the power of government as possible be reserved to the locality—that is, to the community or to the county. And it is for this reason that a strong public opinion must express itself on these matters of local government and on the formation of the laws for local government which are now being considered in the legislature.

If public opinion is not developed and if developed public opinion is not effective, at some time in the future, Bavaria will again be faced with a situation which faced it in 1933 or with one similar to that which has faced Czechoslovakia more recently. Czechoslovakia was recognized as a democratic country. A few thousand individuals, by politically evil methods, gained support to their views of 38 percent of the voters. Through this 38 percent, they then proceeded to destroy the opposition and deprive 62 percent of the population of political representation. It is my belief that with a stronger public opinion and with a better means of making this public opinion effective, Czechoslovakia would now not be dominated by the Communists and would not be a member of the Russian orbit.

It is the right and the duty of every individual to be heard. It is important that from the views of the individual the common view of the people be formed—that is, public opinion. It is important that the representatives and servants of the people listen to this voice of public opinion and it is important, that by a proper system of elections, that the people have some guarantee that their views will be heard. In this way people may have confidence in their governments and the governments may truly represent and serve the individual citizens.

Infringement of Trade-Union Rights

STATEMENT BY LEROY D. STINEBOWER¹

U.S. Deputy Representative in the Economic and Social Council

The United States would have preferred that the Economic and Social Council refer the memoranda on infringement of trade-union rights, at once and without discussion at this stage, to the International Labor Organization for its consideration. It appears, however, that discussion is necessary.

I shall begin with the situation in my own country. Trade-union rights in the United States are founded in generations of experience and are reflected in collective-bargaining agreements negotiated by trade unions on behalf of workers throughout the country. In addition, trade-union rights in our country have been set forth in various Federal and state statutes. The exact character of such legislation is a matter which even now is undergoing debate—a debate in which our labor unions are freely participating. The United States believes that the rights of free trade unions are one of the basic foundations of truly democratic liberty. We believe that free trade unions are a bulwark against totalitarianism.

We do not profess to know exactly how freedom of association can best be guarded against infringement. It is a difficult problem and the difficulties toward which we must be on the alert may vary among countries. We freely admit that in this country we may not have attained perfection in practice, but the way is wide open for the correction of any procedures which are found to be erroneous. Even now our Congress is in process of amending our own labor legislation. Trade unions in the United States have great scope for their energetic efforts on behalf of their 16 million members. The best proof of the freedom and effectiveness of American labor unions is that these millions of workers have voluntarily, of their own choice, maintained their active interest in and support for these great organizations.

While the United States, as well as its labor unions, is deeply concerned about infringement of trade-union rights anywhere, I submit that these WFTU memoranda before us are eloquent demonstration that the World Federation of Trade Unions is principally interested in political propaganda and not in the principles of free trade unionism. The documents reveal the kind of bias which recently caused three great free trade-union

centers to declare that the World Federation had ceased to exist. The Congress of Industrial Organizations, the British Trades Union Congress, and the Netherlands Federation of Trade Unions found that the WFTU had become perverted into a Communist tool.

The memoranda before us may contain many statements of fact. The United States does not affirm or deny the accuracy of any of the specific allegations in the WFTU documents. The motivation, however, is plain. These allegations are motivated by Communist considerations for Communist objectives. They do not originate in respect for human freedom or in love for social justice. If these allegations were a serious effort to catalog infringements of trade-union rights, the list would not have been so blatantly unbalanced. The WFTU memoranda see no evils in Communist lands. The WFTU denounces state domination of trade unions—but it is silent about the U.S.S.R. prototype of the Nazi-Fascist labor front. It condemns alleged restrictions upon trade unions, but it sees no evil in the absence of freedom for the worker in Czechoslovakia today; it sees no evil in rigid control of workers in Bulgaria or Rumania through a Communist labor front; it submits no criticism of extreme labor regimentation through so-called trade unions in Poland, Albania, Yugoslavia, or Hungary; nor is there even a breath of criticism about the Ukraine or Byelorussia.

The American Federation of Labor has submitted a memorandum which calls attention to conditions in countries omitted from the WFTU documents. I hope every member of the Council has read it carefully because it does point to the difference between free trade unionism and Communist labor organizations.

I intend to discuss briefly some of the conditions in countries not listed in the WFTU documents, but I would like to repeat that to the extent that there may be basis in fact for any of the WFTU allegations we deplore such attacks on trade-union rights. We deplore such attacks wherever they occur. We deplore them as sabotage of human freedom, of economic democracy, of social justice. We do not ignore violations which occur among some nations and denounce only those which occur in other countries. Trade-union rights and particularly the right to associate together for collective bargaining to improve conditions of work are among the most essential rights which free men possess.

¹ Made before the Economic and Social Council on Mar. 8, 1949, and released to the press by the U.S. Mission to the United Nations on the same date.

Trade-union rights are meaningless—or worse—if the associations are state-controlled, state-dominated, and state-serving. A labor union in a Communist-dominated country can hardly be distinguished from the labor front of Nazi Germany. Both serve the interest of the state or the party against the freedom of the worker. Even if the trade unions were free and independent, workers could hardly be bargaining equals of the Government. The fact that the employer is the government which controls not only the conditions of work, but all other aspects of daily life, makes the worker all the more helpless. That is bad enough. But when the so-called labor unions are themselves agents of the employing government operating through officers picked by the Communist oligarchy, the worker is really exploited by both.

This is not the first time in this Council and in the General Assembly that we have been faced with perversion of the common meaning of words and phrases. The practice of perverting the meaning of words makes it hard for anyone to talk seriously about such memoranda as those submitted by the WFTU. To the Communist, a trade union in a democracy is a unit to be infiltrated in order to undermine the economy of the state, jeopardize the standard of living, and imperil the national defense. To a Communist, a trade union behind the Iron Curtain is an approved vehicle for forcing more work out of each worker and for eliminating any evidences of independence of thought, word, or action.

Only by accepting such a nondemocratic totalitarian concept of trade-union rights can the WFTU denunciation of practices in non-Communist countries be squared with its apparent satisfaction with the practices in the U.S.S.R. and its satellites.

In the U.S.S.R. for the first few years after the Communist Party seized power over the Russian people, some bargaining was carried on by trade unions on behalf of their members. Then the party line changed; labor leaders were liquidated; labor unions became a virtual administrative branch of the Government. Russian labor unions were consolidated through the All-Union Central Council of Trade Unions, the leadership of which is subject to Communist party approval. This leadership has apparently not felt the need for guidance from its membership in the administration of the affairs of the union. Instead of serving as agents of their members in bargaining with management, these so-called leaders would be aptly described as agents of management in efforts to squeeze more work out of their members, to whip workers into line, to punish absenteeism, eliminate any independent thinking, check on ideological reliability. Russian labor organizations do theoretically handle grievances on behalf of members, but this is only theoretical and part of their pose of serving the interest of workers. The AUCCTU does not allow workers to meet

freely or to vote secretly. The truth is that the workers are required to sacrifice to the party and the Government their personal liberties and freedoms—their freedom to join a union of their own choosing and their freedom to be heard on union policies.

In Czechoslovakia, before the war, labor unions were free and aggressively independent bargaining agents for their workers. Almost exactly a year ago a meeting of Works Council representatives issued a call for action committees. The purpose of these committees was to purge non-Communists from labor organization leadership. Under the leadership of the Communist politicians, the Czechoslovak labor organization no longer demands better conditions for the workers but has become the active agent of the new exploiters of labor.

In Poland the law says that independent unions can be organized. In practice anyone who does so is virtually certain to be arrested. Where real trade unions once existed the Polish Government has substituted what we would call company unions, or what in Europe are called yellow unions.

Similar perversion of trade unions has taken place in all of the so-called "Peoples' Democracies." But on these infringements of trade-union rights the WFTU is silent.

What about specific trade-union rights?

Does the right to strike actually exist in any one of these countries to which I have referred? If it exists on paper, what happens to the individuals who dare to practice the right to strike?

Does the union bargain collectively to improve conditions of employment, to win higher wages, to secure a shorter workweek?

Do workers have the right to establish unions of their choice?

Are unions permitted to attempt to protect their membership against exploitation?

All of these questions point to violations of democratic trade-union rights if trade-union rights are to have any meaning.

These are issues whose importance this Council cannot fail to recognize. They are an integral part of the problem of trade-union rights which, at the Council's instance, has already been competently handled by the ILO. It is to that body that we should again look for effective action.

We suggest that the problem should be placed before this expert international organization for examination, analysis, and commentary.

If the WFTU really wants us to believe that they are serious in their assertions and not just wasting our time with pernicious propaganda, they will join with members of the Council in submitting the problem in all of its aspects to the experienced and expert agency recognized by the U.N. as having jurisdiction on such matters. Hence I propose that all the memoranda on this subject be transmitted forthwith to the ILO.

ECOSOC Resolutions Relating to Economic Development

Economic Development of Under-Developed Countries

U.N. doc. E/1215, Mar. 4, 1949

The Economic and Social Council,
HAVING CONSIDERED the General Assembly's resolution 198 (III) recommending that the Council and the specialized agencies give further and urgent consideration to the whole problem of the economic development of under-developed countries in all its aspects; and

HAVING REVIEWED its own resolution 139 (VII) B in the light of the views submitted by the Secretary-General in document E/1119;

Decides to present to the fourth session of the General Assembly an interim report covering the most urgent problems of economic development of under-developed countries together with such recommendation as it may then be feasible to make concerning constructive action to be taken;

Requests the Secretary-General, with the co-operation of the specialized agencies concerned:

1. To prepare the materials needed by the Council in connection with the General Assembly's request, in resolution 198 (III), for a statement on measures already devised by the Council and the specialized agencies for the purpose of promoting economic development and raising the standards of living of under-developed countries; and

2. To prepare for consideration by the ninth session of the Council a report setting forth methods of financing economic development of under-developed countries, including methods of stimulating the international flow of capital for this purpose, paying due attention to questions of a social nature which directly condition economic development;

Agrees that the Economic and Employment Commission and the Sub-Commission on Economic Development should adhere to their present programmes of work which are designed to place before the Council recommendations concerning specific problems of economic development;

Draws the attention of the regional economic commissions to the discussion which took place at the eighth session of the Council concerning the

¹ For U.S. proposals see BULLETIN of Mar. 6, 1949, p. 287.

problem of economic development of under-developed countries; and

Requests the regional economic commissions to continue to give all aspects of the problems of economic development of under-developed countries special attention during their future sessions.

Technical Assistance for Economic Development¹

U.N. doc. E/1216, Mar. 4, 1949

The Economic and Social Council,

TAKING INTO ACCOUNT the resolutions of the General Assembly with respect to expert advice (52 (I)), economic development (198 (III)), and technical assistance for economic development (200 (III)), and the Secretary-General's first report thereunder;

RECOGNIZING the significant contribution to economic development that can be made through international co-operation among countries, especially through the United Nations and its specialized agencies; and

RECOGNIZING the special importance for economic development of expanding the international exchange of technical knowledge;

CALLS upon Member Governments to promote by all appropriate means the expansion of the international exchange of technical knowledge, especially through the United Nations and its specialized agencies; and

REQUESTS the Secretary-General, in consultation with the executive heads of the interested specialized agencies through the Administrative Committee on Co-ordination, and taking into consideration the suggestions of Member Governments, to prepare a report for the ninth session of the Council setting forth:

1. A comprehensive plan for an expanded co-operative programme of technical assistance for economic development through the United Nations and its specialized agencies, paying due attention to questions of a social nature which directly condition economic development;

2. Methods of financing such a programme including special budgets; and

3. Ways of co-ordinating the planning and execution of the programme.

The United States in the United Nations

[March 19-25]

The Berlin Case

On March 16, Dr. Alberto Alvarez of Cuba, President of the Security Council, released for publication a report submitted to him by a Committee of Experts which had been examining the Berlin currency and trade problem. The Committee had been appointed November 30, 1948, by Dr. Juan Bramuglia, then President of the Security Council. It was composed of experts from member countries of the Security Council who were not parties to the Berlin dispute, and was assisted by experts provided by the Secretary-General.

After examining the issues involved in the dispute, and after consultations with experts representing France, the United Kingdom, the United States, and the Union of Soviet Socialist Republics, the Committee reported that it found no basis for agreement in the present positions of the parties to the dispute.

A statement issued by the United States following the publication of the report pointed out that the Soviet action in splitting the city administration of Berlin had been the chief factor in making a settlement of the currency question by the Committee impossible.¹

A proposal submitted by the United States expert, which offered an interim solution to the currency problem pending the restoration of a unified municipal government and protecting meanwhile the legitimate interests of the parties involved, according to the U.S. statement, was refused a consideration on its merits by the Soviet Representative.

Economic and Social Council

The Council, approaching the end of a six-weeks session, devoted its attention to these four principal items:

Economic Commission for Asia and the Far East. Took note of the interim report, approved the Commission's action on the Bureau of Flood Control, and sanctioned the admission of Nepal as an associate member.

Economic Commission for Europe. Took note of the interim report after a heated debate centering around U.S. trade policy with respect to Eastern Europe. Poland introduced a resolution, closely paralleling one defeated at the Paris General Assembly, calling for inquiry into alleged trade discrimination. The measure was defeated

¹ This statement will appear in the BULLETIN of Mar. 27, 1949.

March 20, 1949

after charges made at the General Assembly were repeated and Leroy D. Stinebower, speaking for the United States, answered briefly and pointed out that a full rebuttal had been delivered during the Assembly.²

Rules of Procedure. Numerous revisions in the rules were approved during a three-day discussion but final adoption was temporarily delayed.

Trade-Union Rights. Instructed the Secretary-General to consult with the ILO on the question of enforcing trade-union rights. A Soviet proposal requesting all member states to enact legislation guaranteeing the observance of such rights was defeated. The U.S.S.R. proposal also would have created a Commission on Trade Union Rights to draft, with the W.F.T.U., specific proposals for the protection of those rights.

Indonesia

The Security Council this week continued its deliberations on the Indonesian question. Meeting on March 14 and 16, the members of the Council weighed a proposal advanced during the previous week by the Representative of Canada which would encourage the holding of a preliminary conference in Batavia to consider the terms on which a round-table meeting between the parties might be held at the Hague, as proposed by the Netherlands Government. No decision had been reached by the end of the week.

Support for the Canadian proposal was expressed by the Representatives of the United Kingdom, Norway, and France. The Representatives of Cuba, Australia, Egypt, Pakistan, and India called upon the Netherlands to comply with the Security Council resolution of January 28, particularly with reference to the restoration of the Republican capital at Jogjakarta. The Representatives of the Ukraine and the Soviet Union expressed opposition both to the proposed Hague conference and to the preliminary conference suggested by the Canadian proposal, on the grounds that these measures would not deter aggression.

Commission on Status of Women

The political rights of women, their educational opportunities, nationality problems, property rights, and the principle of equal pay for equal work for men and women workers are the main subjects of the 12-item agenda of the Commission on the Status of Women which began its third

² See *ante*, p. 358.

session in Beirut, March 21, 1949. The session is expected to last about three weeks.

Judge Dorothy Kenyon of New York City heads the U.S. Delegation to this session of the Commission, composed of representatives of 15 nations. This Commission is one of the 9 subsidiary functional commissions of the Economic and Social Council.

Political Rights. In the field of political rights the most urgent problem is to study means of securing the right to vote for the women of some 20 nations. Judge Kenyon has said that "The United States will seek to employ the machinery of the UN to spread the principle of equal political rights and suffrage so that the progress made so far can be continued."

Problems Relating to Nationality. The Commission will study a report prepared by the Secretariat on the legal status and treatment of women as regards nationality, based on replies from 34 countries to a questionnaire. This survey shows many conflicts between the laws and customs of nations in matters related to nationality, domicile, marriage and divorce, which have become particularly aggravated since the war. For example, the study indicates that while the nationality of a man does not normally change upon marriage, a woman may either lose her nationality completely or acquire dual nationality when she marries. "On the question of nationality," Judge Kenyon has stated, "the U.S. will press toward an international convention on the nationality of women."

Educational Opportunities. Progress towards the elimination of some of the disabilities of women in the field of educational and professional opportunities is also a goal of the Commission at this session. A report on this subject prepared by the Secretary General on the basis of information from 35 countries states that the present inequality of women as compared with men in educational and professional opportunities is due to existing customs rather than to discriminatory legislation.

Principle of Equal Pay. Another difficult problem facing the Commission is the means of putting into practice the principle of equal pay for equal work. The Commission will have before it communications on this subject from many non-governmental organizations.

Trusteeship Council

The Council March 14 adopted, 7 to 0, a resolution recommending that Belgium, the administering authority for Ruanda-Urundi, review all legislation involving racial discrimination in that territory. The United States joined the nonad-

ministering members of the Council in favor of the measure.

The Council decided to take no action on the two anonymous petitions from Ruanda-Urundi.

A review of the report of the Visiting Mission to Tanganyika was begun.

Palestine Refugee Relief Fund

Final Congressional approval has been given the bill authorizing U.S. contributions in the amount of \$16,000,000 to the U.N. Palestine relief fund. The goal for this fund was set at \$32,000,000. The bill authorizes the Reconstruction Finance Corporation to advance half of the U.S. contribution immediately. Eighteen other governments have made contributions in money, food, medicine, or other goods. Three of them are not members of the United Nations: Indonesia, Switzerland, and Bahrein Islands (off the Arabian Coast).

The relief program was provided for in a General Assembly resolution of last December to operate over a nine-month period, pending final solution for the problem by the local governments and the Palestine Conciliation Commission. Stanton Griffis, American Ambassador to Egypt, was appointed by the Secretary-General to direct the program.

International Non-Governmental Organizations Having Members in Spain

United States Proposal

U.N. doc. E/C. 2/157, Mar. 7, 1949

The United States Delegation calls attention to the adoption by the Economic and Social Council on 14 February 1949 of a new Resolution on "International Non-Governmental Organizations having Members in Spain", which states in a precise manner the conditions under which such organizations shall be eligible for consultative relationships with the Council and proposes, with a view to saving the time of the Council Ngo Committee and the Council, that the Committee decide as follows:

The Council Ngo Committee

Requests the Secretariat to inform organizations granted consultative status subject to exclusion of their Spanish affiliates or subject to their conforming to the Resolutions of the Economic and Social Council relating to international non-governmental organizations having members in Spain, as the case may be, the date of their entry into consultative status when they have met the conditions of the Resolution of the Economic and Social Council adopted on 14 February 1949 on International Non-Governmental Organizations having Members in Spain.

Report of Joint Brazil-U.S. Technical Commission Completed

The Joint Brazil-United States Technical Commission has completed the task assigned to it and has submitted its report to the Government of Brazil and the Government of the United States.¹ The Commission was created by authority of President Truman and President Dutra pursuant to the request of Brazil for the assistance of technicians of the United States Government to collaborate with technicians of the Brazilian Government in an analysis of the factors in Brazil which tend to promote or to retard the economic development of the country. In carrying out its task the Commission was guided by its terms of reference which stated:

"This (analysis) might involve a broad appraisal of the manner, directions, and rates of development of the Brazilian economy, looking toward the most effective and balanced utilization of Brazilian resources. The Commission should give particular attention to the capacity of Brazil for economic expansion through the maximum use of its internal resources. The Commission shall not undertake to appraise the merits of specific projects or to evaluate the desirability of obtaining foreign financing. The Commission, however, should consider measures designed to

encourage the flow of private capital to Brazil and where appropriate, may make broad recommendations relative to measures which might facilitate economic development in Brazil.

"The Commission should direct its attention toward an analysis of (1) Brazil's natural and capital resources, (2) the supply of labor, particularly skilled labor, (3) problems in fiscal and banking fields, (4) problems of domestic and international trade, and (5) the position of Brazil in the world economy."

The United States Delegation arrived in Rio de Janeiro on September 7, 1948, whereupon the Commission was organized into a Central Commission and a number of subcommissions assigned to study the following subjects: agricultural and livestock development, banking, electric energy, fiscal problems, fishing and fisheries, industrial development, labor and manpower, minerals, refrigeration and warehousing, and transportation. In addition, special Brazilian groups were named to advise the Central Commission on such problems as investment policy, commerce, and coal and petroleum development. The members of both Delegations functioned as the Central Commission, which was responsible for the Report.

U.S. Concessions to Chile on General Tariffs and Trade Agreement

The United States Government has been informed that on February 14, 1949, the Republic of Chile signed the protocol adopted at Geneva on September 14, 1948, which provides for Chile's accession to the General Agreement on Tariffs and Trade concluded by the United States and 22 other countries at Geneva on October 30, 1947. Accordingly, the President, on March 8, 1949, issued a proclamation putting into effect as of March 16, 1949, those United States tariff concessions which were initially negotiated at Geneva with Chile but which had not yet been proclaimed.²

Not all 23 countries participating in the 1947 negotiations put the agreement into provisional effect on January 1, 1948, as did the United States and certain other countries. All the signatory countries except Chile had taken the necessary steps to do so by June 30, 1948, the date originally

fixed for such action. At the second session of the contracting parties to the agreement, held in Geneva in August-September 1948, Chile was granted an extension of time to February 17, 1949, to undertake to apply the agreement provisionally.

The United States concessions covered by the proclamation issued March 8 include: reductions in tariffs on certain fresh fruits, melons, dried beans, lentils, onions, and garlic; reductions in import taxes on copper-bearing ores and concentrates and on articles made principally of copper; and binding of duty-free treatment for copper and copper ores, crude iodine, and nitrate of soda.

The proclamation makes some minor modifica-

¹ For text of summary of the report, see Department of State press release 132 of Mar. 10, 1949.

² For text of proclamation, see Department of State press release 135 of Mar. 9, 1949.

tions in earlier proclamations. These modifications are made necessary by the coming into force of the concessions to Chile. The proclamation also applies certain rectifications and amendments to the text of the General Agreement. These were contained in protocols signed at Geneva September 14, 1948. The protocol amending part II and article XXVI of the General Agreement makes changes of some substance in three of its articles—those relating to national treatment in internal taxation and regulation (article III), to antidumping and countervailing duties (article VI), and to measures for economic development (article XVIII).

Article III is designed generally to limit the protection afforded to domestic products to that derived from customs duties and to prevent hidden protection through discriminatory internal taxation and regulation of imports. The amended version is designed to accomplish this purpose more effectively than the original article.

The principal change in article VI is addition of a general condemnation of the practice of dumping when it causes or threatens material injury to an established industry or retards development of an industry in the territory of a contracting party to the agreement.

Recognizing that special governmental assistance may be required in order to promote economic development and that protective measures for that purpose may sometimes be justified, article XVIII of the agreement, as originally drawn, established procedures through which a party to the agreement might levy duties higher than those that had been negotiated or might impose quantitative import restrictions, but only after first securing agreement by the contracting parties acting jointly. The amended article speeds up those procedures.

Mexican Educator Studying Foreign-Language Teaching in United States

[Released to the press March 10]

Dr. Enrique Loaiza, Mexican lawyer and educator, head of the Department of Exchange and Cultural Relations, and director of the summer session of the National University of Mexico, has arrived in Washington for a three-months' study of foreign-language teaching in American colleges and universities. He will also work to promote student and teacher exchange between this country and Mexico. Dr. Loaiza plans to visit schools in all sections of the country, including Bryn Mawr College, Harvard, Columbia, Stanford, Duke, Tulane, and the Universities of Pennsylvania, Michigan, Chicago, Minnesota, Colorado, New Mexico, and Texas.

A specialist in the teaching of Spanish as a foreign language, Dr. Loaiza has given advanced courses in this language for foreigners at the National University of Mexico for approximately 20 years. He is also in charge of an extension course given each year at the International Cultural Center in San Antonio, Texas, by a group of faculty members of the National University, covering the language, history, literature, and art of Mexico. He is one of the directors of the Mexican-North American Cultural Institute, a binational cultural society in Mexico City, assisted by the Department of State, which is devoted to promoting a better understanding between Mexico and this country.

U.S. Educator Gives Lecture Series in Mexico

Dr. F. S. C. Northrop, professor of philosophy and law at Yale University, left for Mexico City on March 9 to deliver a series of lectures at the National University under the travel-grant program of the Department of State.

Dr. Northrop is one of the group of 27 distinguished Americans awarded decorations by the Mexican Government on February 23, receiving at that time the Order of the Aztec Eagle in recognition of his contribution to understanding between the two countries, as exemplified in the chapter on Mexico in his book entitled *The Meeting of East and West*, published in 1946. In 1943 he spent several months in Mexico collecting material for a symposium of studies in the philosophy and science of world cultures, entitled *Ideological Differences and World Order*.

Mexican Visits U.S. for Migratory Birds Conservation Conference

Luis Macias Arellano, Chief of the Game Department of the Ministry of Agriculture and Livestock Production, Mexico, has arrived in Washington for consultation with officials of the Fish and Wildlife Service here and in other cities of the United States. He has come to the United States to discuss measures to check the decrease in the numbers of migratory waterfowl in Canada, the United States, and Mexico.

After participating in the North American Wildlife Conference in Washington from March 7-9, he will visit field offices of the Fish and Wildlife Service in Pennsylvania, Maryland, Virginia, Colorado, Utah, Minnesota, California, and Oregon, and will attend the Fish and Wildlife Conference in Ottawa in June before returning to Mexico.

His visit has been arranged under the travel-

grant program of the Department of State in cooperation with the Fish and Wildlife Service of the Department of the Interior. Mr. Macias has participated in wildlife conferences in this country on previous occasions, having represented Mexico at the conferences in 1947 and 1948, held at San Antonio and St. Louis respectively.

Peruvian Visits U.S. To Study CAA

Mr. Carlos Dellepiane, Director of Operations of the Airport and Aviation Corporation of Peru (CORPAC), has arrived in Washington for conferences with officials of the Civil Aeronautics Administration and the Civil Aeronautics Board.

Mr. Dellepiane came to Washington from Montreal, where he attended the Third Session of the Communications Division of ICAO January 12 to February 24, presenting several papers on various aspects of communications procedures and facilities, which were incorporated into the final report prepared by the Conference. After approximately a month in Washington, he will visit regional offices of the Civil Aeronautics Administration in various parts of the United States to continue his observation and study of the organization and administration of that agency. His visit has been arranged under the travel-grant program of the Department of State in cooperation with the Civil Aeronautics Administration.

Mr. Dellepiane was made Director of Communications of CORPAC some ten months ago and was promoted to his present position as Director of Operations last October. A specialist in electronics, he is consulting engineer for the RCA Corporation in Lima and is honorary president of the Peruvian Association of Engineers and Technicians.

U.S. Delegation to ILO

It was announced on March 11 that the following delegates have been selected to represent the United States at the second session of the Building, Civil Engineering and Public Works Committee of the International Labor Organization (ILO), scheduled to be held at Rome, March 15-26, 1949.

GOVERNMENT REPRESENTATIVES

Delegates

Herman B. Byer, Acting Chief, Division of Employment and Occupational Outlook, Bureau of Labor Statistics, Department of Labor

Winchester E. Reynolds, Commissioner of Public Buildings, Federal Works Agency

EMPLOYERS' REPRESENTATIVES

Delegates

Vincent P. Ahearn, Executive Secretary, National Sand and Gravel Association, Washington, D. C.

Lester C. Rogers, President, Bates and Rogers Construction Company, Chicago, Ill.

WORKERS' REPRESENTATIVES

Delegates

Finlay C. Allan, Secretary, Building and Construction Trades Council, Detroit, Mich.

Howard McSpedon, President, New York City Building and Construction Trades Council, New York City.

Among other subjects to be discussed will be stability in the building industry. A report issued by the ILO, preliminary to this meeting, calls attention to the "boom or slump" fluctuations in this industry. The complete agenda includes: (1) a general report dealing particularly with action taken in the various countries pursuant to recommendations of the first session of the Committee, steps taken by the International Labor Office to follow up the studies and inquiries proposed by the Committee, and recent developments in the industry; (2) a study of the instability of employment in the construction industry; (3) a study of recruitment and training for the industry; and (4) a study of industrial relations as affecting collective bargaining and labor-management cooperation.

THE DEPARTMENT

Designation of Officers of Visa Division To Issue Permits To Enter the United States

On March 8 there was published in the *Federal Register* the following:

Notice is hereby given that the Secretary of State has designated the Chief and the Assistant Chiefs of the Visa Division, and the Chief and the Assistant Chief of the Diplomatic Visa Section of the Visa Division to issue, in their discretion, diplomatic or other nonimmigrant passport visas to aliens who are in, and who desire to reenter, the United States after a temporary absence therefrom, in the following classes of cases:

(1) Aliens who are officials of foreign governments or who hold positions tantamount thereto, the members of their immediate families, their attendants, servants, and employees, provided such aliens shall have been notified to the Secretary of State;

(2) Aliens who have, or who are entitled to, the status of nonimmigrants under the provisions of section 3 (7), Immigration Act of 1924, as amended, the members of their immediate families, their attendants, servants, and employees, provided such aliens shall have been notified to the Secretary of State.

A visa granted to an alien whose case falls within one of the foregoing classes shall be without fee, and valid for such period as the issuing officer, in his discretion, may prescribe.

PUBLICATIONS

Department of State

For sale by the Superintendent of Documents, Government Printing Office, Washington 25, D. C. Address requests direct to the Superintendent of Documents, except in the case of free publications, which may be obtained from the Department of State.

Liquidation of German Property in Spain. Treaties and Other International Acts Series 1773. Pub. 3215. 63 pp. 20¢.

Accord, Executive Protocol, Financial Protocol, and Exchanges of Letters and Notes Between the United States, France, the United Kingdom of Great Britain and Northern Ireland, and Spain—Signed at Madrid May 10, 1948; entered into force May 10, 1948.

Trade: Application of Most-Favored-Nation Treatment to Areas Under Occupation or Control. Treaties and Other International Acts Series 1817. Pub. 3348. 6 pp. 5¢.

Agreement Between the United States and Portugal—Effectuated by exchange of notes signed at Lisbon Sept. 28, 1948; entered into force Sept. 28, 1948.

Foreign Service List Abridged. October 1, 1948. Pub. 3376. 99 pp. 30¢ a copy; \$1.50 a year domestic, \$2 a year foreign.

Lists officers in the American Foreign Service, their classification, assignment, etc.

ECOSOC 1948: A Review and Forecast. International Organization and Conference Series III, 22. Pub. 3404. 14 pp. 10¢.

An article by Walter M. Kotschnig who serves as U.S. Deputy Representative on the Economic and Social Council.

Atomic Energy and Conventional Armaments. International Organization and Conference Series III, 23. Pub. 3414. 57 pp. 20¢.

Selected statements and United Nations resolutions, Sept. 21-Dec. 12, 1948.

International Economic Problems. International Organization and Conference Series III, 27. Pub. 3418. 35 pp. 10¢.

Selected statements and United Nations resolutions, Sept. 21-Dec. 12, 1948.

THE CONGRESS

Fuel Investigation. Mexican Petroleum. Progress Report of the Committee on Interstate and Foreign Commerce pursuant to H. Res. 595, Eightieth Cong. H. Rept. 2470, 80th Cong., 2d sess. iii, 132 pp.

Report of Select Committee to Investigate Commodity Transactions for the House of Representatives pursuant to H. Res. 404 (80th Cong., 1st sess.). A resolution providing for the appointment of a select committee of the House of Representatives to investigate commodity transactions. ii, 17 pp.

Communication from the President of the United States transmitting supplemental estimate of appropriation for the fiscal year 1950 in the amount of \$20,000,000 for the Philippine War Damage Commission in the form of an amendment to the budget for said fiscal year. H. Doc. 48, 81st Cong., 1st sess. 2 pp.

Message from the President of the United States transmitting Third Report to Congress on the United States Foreign Aid Program, for the period from April 1 through June 30, 1948. H. Doc. 776, 80th Cong., 2d sess. vi, 50 pp.

Message from the President of the United States transmitting the Fourth Report to Congress on Assistance to Greece and Turkey for the period ended June 30, 1948. H. Doc. 777, 80th Cong., 2d sess. vi, 71 pp.

Message from the President of the United States transmitting the Fifth Report to Congress on Assistance to Greece and Turkey for the period ended September 30, 1948. H. Doc. 778, 80th Cong., 2d sess. v, 18 pp.

Message from the President of the United States transmitting Thirteenth Quarterly Report of Expenditures and Operations under the United Nations Relief and Rehabilitation Administration, covering the period from July 1 through September 30, 1947. H. Doc. 779, 80th Cong., 2d sess. 2 pp.

Message from the President of the United States transmitting Fourteenth Quarterly Report of Expenditures and Operations under the United Nations Relief and Rehabilitation Administration, covering the period from October 1 through December 31, 1947. H. Doc. 780, 80th Cong., 2d sess. 2 pp.

Message from the President of the United States transmitting Fifteenth Quarterly Report of Expenditures and Operations under the United Nations Relief and Rehabilitation Administration, covering the period from January 1 through March 31, 1948. H. Doc. 781, 80th Cong., 2d sess. 2 pp.

Message from the President of the United States transmitting the Fourth Quarterly Report of Expenditures and Activities under the United States Foreign Relief Program. This report covers the period from April 1, 1948, through June 30, 1948. H. Doc. 783, 80th Cong., 2d sess. vi, 37 pp.

Message from the President of the United States transmitting the First Report of the Economic Cooperation Administration created by the Foreign Assistance Act of 1948, Public Law 472 of the Eightieth Congress, approved April 3, 1948. H. Doc. 784, 80th Cong., 2d sess. viii, 97 pp.

Message from the President of the United States transmitting the Supplement to the First Report to Congress of the Economic Cooperation Administration for the quarter ended June 30, 1948. H. Doc. 785, 80th Cong., 2d sess. v, 229 pp.

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The Administration of Export Controls. Interim Report of the Investigations Subcommittee of the Committee on Expenditures in the Executive Departments pursuant to S. Res. 189 (80th Congress), a resolution authorizing the Committee on Expenditures in the Executive Departments to carry out certain duties. S. Rept. 1775, part 2, 80th Cong., 2d sess. iii, 23 pp.

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